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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,219	12/19/2000	Adam Bosworth	41016.P004	7676

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/741,219	Applicant(s) BOSWORTH ET AL.	
	Examiner Tuan A Vu	Art Unit 2124	

-- Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 10/18/2004.

As indicated in Applicant's response, claims 1, 3-8, 11-19, and 21 have been amended.

Claims 1-21 are pending in the office action.

Claim Objections

2. Claim 3 is objected to because of the following informalities: the recited 'said the first data processing cell' has a extraneous 'the' (lines 1-3). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-6, 8-9, 11-16, 18-19, and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Bex et al., "Expressive Power of XSLT", July 2000, *International Conference on Computation Logic*, < <http://citeseer.ist.psu.edu/bex00expressive.html> > (hereinafter Bex).

As per claim 1, Bex discloses a method of computing, comprising:

receiving at execution time a data processing specification having a first and a second unnested data processing cell specifications (e.g. Fig. 1 – Note: each !ELEMENT entry is not nested; Fig. 2, pg. 5 – *selecttopmgr, display* – Note: separate query specification from XSLT for each cell based on mode reads on unnested specifications) specifying a first and a second data processing cell (Fig. 3, pg. 6 – Note: each *employee* cell, *manager* cell or *group* cell reads on first or second cell specification as specified in DTD or XSLT file) respectively,

with each data processing cell specification having a plurality of statements (e.g. *select= '//group[mgr/employee[@id=\$varID]]/group/employee'* - Fig. 2, pg. 5; chp. 3, pg. 7-16; *//group[mgr/employee[@id=varID]]/group//employee* – Note: each XSLT specification/statement calling underlying XPath language instructions reads on cell specification having action specification or computation) including a formula specifying (e.g. *select* - Fig. 2, pg. 5) an action or computation,

the first data processing cell having a data dependency on the second data processing cells and specified in a manner to be analyzed before the second data processing cell (e.g. ch. 3.2 ; ch. 3.3 – Note: Xpath traversing tree to evaluate nodes amounting to parsing in accordance to template rules reads on specifying an action in a manner the first cell/node is analyzed before second cell/node);

analyzing in real time (Note: Xpath analysis to generate cell of XML output reads on real time processing or execution time) the first and then the second data processing cell specification to determine execution order of said actions/computations specified by said first data processing cell specifications based at least in part on interaction or computation references between said actions or computations specified (e.g. ch. 3.2 ; ch. 3.3 – Note: specifications dictated by XSLT statement being converted into a parsing tree reads on determine path based in part on interaction or computations to yield the XML output); and

effectuating the data processing specified (e.g. Fig. 3, pg. 6; example 3.2 pg. 9-10 – Note: using Xpath rules to process cells of XML output, i.e. effectuating data processing, reads on base on 1st and 2nd cell specifications) by the data processing specification in accordance with

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the determined execution order of said actions/computations specified by said first and second data processing cell specifications.

As per claim 2, Bex discloses each of said first and second data processing cell specifications delineated by a beginning and an ending data processing cell specification tag (e.g. Fig. 2, pg. 5).

As per claim 3, Bex discloses said first data processing cell specification having a formula referencing a value of said second data processing cell specification (e.g. `varID` or `$varID` – Fig. 2, pg. 5 – Note: `varID` is referenced from second template and is employed in first template reads on 1st cell specification having a value of 2nd cell specification).

As per claim 4, Bex discloses that one or both of said first and second data processing cell specifications comprise one or more attribute specifications specifying one or more attributes of the corresponding data processing cell (e.g. *employeeID* – Fig. 2, pg. 5; *employee id* – Fig. 3, pg. 6 – Note: attribute ID in XSLT specifications and corresponding id in XML cell read on cell specifications having attributes specification for attributes of corresponding processing cell) .

As per claim 5, Bex does not expressly disclose that the first data processing cell has a first attribute referencing a second attribute of said second data processing cell but in view of the variable common to both XLST specification template (`$varID`, `@id` – Fig. 2, pg. 5), the accessing of attribute value in the first template via reference of a attribute variable also defined in the second template implicitly discloses first data processing cell has a first attribute referencing a second attribute of said second data processing cell.

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As per claim 6, Bex discloses that second data processing cell specifications comprises a reserved mnemonic (@id – Fig. 2, pg. 5) for providing input to the data processing specified by the data processing specification.

As per claim 8, Bex discloses wherein said second data processing cell specifications comprises a conditionally executed formula (<xsl: if ... </xsl: if>, Fig. 2, pg. 5; <xsl: otherwise ... > Fig. 5, pg. 8).

As per claim 9, Bex discloses wherein said data processing specification further includes one or more global attributes specifying one or more global processing characteristics for the specified data processing (e.g. *match*, *mode*, *name* – Fig. 2, pg. 5).

As per claim 11, Bex discloses an apparatus comprising programming instructions storage, such programming instructions to:

receive at execution time (a data processing specification having a ' first and a second unnested data processing cell ...);

analyze in real time (the data processing specification to determine an execution order...)’ and

effectuate (the data processing specified by the data processing specification in accordance...); all of these steps having been addressed in claim 1.

Hence, these limitations are herein rejected with the corresponding rejections as set forth therein.

As per claim 12, Bex discloses specifications to be recognized having delineation of each of said first and second data processing cell specifications by a beginning and an ending data processing cell specification tag (refer to claim 2 for corresponding rejection)

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As per claims 13-16, and 18-19 these claims correspond to claims 3-16, and 18-19, respectively; hence are rejected with the corresponding rejection as set forth therein.

As per claim 21, this is a 'means-plus-functions' version claim corresponding claim 1, and comprises means for:

receiving at execution time (a data processing specification having a ' first and a second unnested data processing cell ...);

analyzing in real time (the data processing specification to determine an execution order...)' and

effectuating (the data processing specified by the data processing specification in accordance...); all of these steps having been addressed in claim 1.

Hence, these limitations are herein rejected with the corresponding rejections as set forth therein.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 10, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bex et al., "Expressive Power of XSLT", July 2000, *International Conference on Computation Logic*, < <http://citeseer.ist.psu.edu/bex00expressive.html>> (hereinafter Bex), as applied to claims 1, 9, 11, and 19; in view of W3C, 'XML Path Language (Xpath)' and 'XSL Transformation (XSLT) Version 1.0', *W3C Recommendation 16 November 1999*, respectively <

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<http://www.w3.org/TR/1999/REC-xpath-19991116> > and < <http://www.w3.org/TR/xslt>>

(hereinafter W3C).

As per claim 7, Bex discloses template for *display()* instruction and *output* symbols for tree representation of the XML file (e.g. pg. 10-11; pg. 19 bottom) but does not explicitly teach that said first data processing cell specifications is a reserved output cell/template specification specifying output of the data processing specified by the data processing specification. The use of XSLT specification language to provide a reserve cell in a template for output is disclosed by W3C (e.g. *xsl: output*, *xsl: output method* – pg. 9-10; chp. 16.1, 16.2 pg. 79-80). Since the methodology of using Xpath rules for traversing and constructing a tree to represent a XML output is similar in W3C and Bex's rule-based tree-traversal for XML output creating, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide a specification reserved to define output specifications as taught by W3C for the data processing cell of the data processing as taught by Bex because this would enable the correct format for outputting processed cell according to mime format and text/character type as mentioned by W3C in such that every HTML type is appropriately addressed (see pg. 80-83).

As per claim 10, although Bex's method is HTTP oriented and generation of HTTP text, Bex does not explicitly discloses cell specifications wherein said one or more global attributes include a global attribute specifying a format for providing the specified data processing with an HTTP request. W3C discloses top level XSLT structure similar to Bex's XSLT language but further discloses global attribute specification therein for HTTP request (ch. 2.1-2.2 pg. 7-11). Since the methodology of using Xpath rules for traversing and constructing a tree to represent a markup XML output is similar in W3C and Bex's approach, it would have been obvious for one

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of ordinary skill in the art at the time the invention was made to add to Bex's specifications -- in case Bex does not already include such global specifications-- the global attributes specifying a format as taught by W3C, because like in the rationale of claim 7, the format of a HTTP entity is to be predetermined at runtime by extended language known as XSL or DTD lest format conflict be incurred, and this is an well-known concept in HTTP request using extended language metadata such as XSL or DTD or XML as taught by W3C or implied by Bex.

As per claims 17 and 20, these claims correspond to claims 7 and 10, respectively; hence are rejected using the same rationale as set forth therein.

Response to Arguments

7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

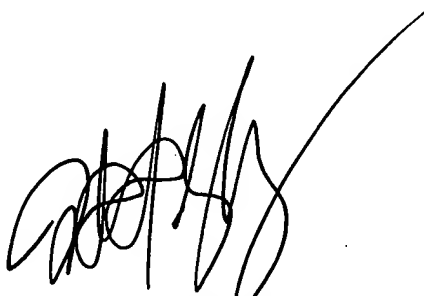
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT
December 26, 2004



TODD INGBERG
PRIMARY EXAMINER